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July 19, 2012

Hon. Carol B. Amon  
Chief Judge  
United States District Court  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Vito Balsamo  
12-CR-50 (S-2)-02 (CBA)

Dear Chief Judge Amon:

Please accept this brief letter in response to AUSA Jack Dennehy's letter of July 18, 2012 ("letter") regarding Vito Balsamo's upcoming sentence.

Mr. Dennehy misses the point of my request for a non-jail sentence. I did not request a non-jail sentence for Mr. Balsamo because of his "health and family circumstances", as Mr. Dennehy writes. (letter, p.1) My request for that sentence encompasses Mr. Balsamo's "work history and success in overcoming an addiction to alcohol" (letter, p.3, para. 2)--both described by Mr. Dennehy as "laudable" (Id.)--and the undisputed praise and recognition of Mr. Balsamo's efforts in helping and counseling others in Alcoholics Anonymous who are similarly afflicted by alcohol abuse. My sentencing request was based on the proposition that those in the community who need his assistance to achieve sobriety will benefit directly, as will the community itself, if Mr. Balsamo can remain available to them to continue his efforts on their behalf. Obviously, a jail term will interrupt those efforts.

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Also, In his recitation of the "...Circumstances of the Offense" (letter, p. 3, para. 1), Mr. Dennehy fails to mention, and accept responsibility for, the government's according Mr. Balsamo a "minimal role" in the offense. That government role recognition not only allowed for the four level reduction reflected in the Plea Agreement, but puts in focus and perspective Mr. Balsamo's relative involvement in the offense.

Finally, with regard to the additional 1 level "global point", I recognize that Mr. Santora's ultimate plea was untimely. But, the bottom line is that he did join all the co-defendants in entering a guilty plea, and I submit, that Mr. Balsamo, as well as the other "timely" pleaders, should not be penalized because of Mr. Santora's tardiness.

Thank you.

Respectfully submitted,

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MR:wp

